

1
2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

5 WILLIAM SMITH,

6 Plaintiff,

7 v.

No. C11-5401 RBL/KLS

8 RODULF TRIVENO, RANDY PIERCE,
9 CATHERINE BAUM, GARY FLETCHER,
10 WILLIAM ROLLINS, PATRICK GLEBE,
11 DAN VAN OGLE, KERRI McTARSNEY,
DENNIS DAHNE, TAMMY NIKULA,
DANO GORTON, KATHY RENINGER, and
JOSEPH LOPIN,

12 Defendants.

ORDER DENYING PLAINTIFF'S
SECOND MOTION TO APPOINT
COUNSEL

13
14 This is Plaintiff's second motion for the appointment of counsel. ECF No. 49. The
15 motion, along with a memorandum and an affidavit, are undated and unsigned. *Id.* Plaintiff has
16 previously been advised that there is no constitutional right to appointed counsel in a § 1983
17 action. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). *See also United States v.*
18 *\$292,888.04 in U.S. Currency*, 54 F.3d 564, 569 (9th Cir. 1995) ("[a]ppointment of counsel
19 under this section is discretionary, not mandatory.") There are no exceptional circumstances
20 warranting the appointment of counsel in Plaintiff's case.

21
22 Accordingly, Plaintiff's second motion for the appointment of counsel (ECF NO. 49) is
23 **DENIED.**

24 **DATED** this 8th day of December, 2011.

25
26 
Karen L. Strombom
United States Magistrate Judge